

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Fig. 1. In particular, reference numeral '16' has been deleted from Fig. 1.

Attachment: Replacement sheet
 Annotated sheet showing changes

REMARKS

This paper is responsive to the Office Action of January 1, 2008, in which claims 1-67 are currently pending. All of the pending claims stand rejected. By this response, claim 56 is amended. Claims 1-67 remain pending in the application.

At paragraph 3 of the Office Action, the Examiner objects to the drawings because reference character '16' of Figure 1 is not mentioned in the description. The Applicant amends Fig. 1 to remove reference character '16' from Figure 1. Accordingly, that objection should be withdrawn.

At paragraph 5 of the Office Action, the Examiner rejects claims 56, 66 and 67 under 35 U.S.C. §112, second paragraph, as being indefinite. Regarding claim 56, the Applicant amends that claim to depend from claim 55 instead of 54. Claim 55 includes the necessary antecedents to make claim 56 allowable. Accordingly, that rejection should be withdrawn. Regarding claims 66 and 67, the Examiner correctly points out that these terms, as is well known in the art, describe different compiler optimizations, and are therefore not indefinite. Accordingly, these rejections should be withdrawn.

At paragraph 7 of the Office Action, the Examiner rejects claims 1-4, 6-9, 11, 13-15, 17-20, 22-25, 27, 29-31, 33-36, 38-41, 43, 45-47, 49, 52-54 and 56-67 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,820,255 (Babaian). The Applicant traverses this rejection, and respectfully submits that the rejections in the Office Action are all based on an improper interpretation of Babaian. In response, the Applicant submits that, based on a proper interpretation of Babaian, all of the pending claims 1-67 are in fact allowable.

In the "Response to Arguments," the Examiner states that "the translation of the previously translated code is considered to be performed by a first translator instance and the next foreign code translation with the step of cache correspondence checking for the previously translated code is performed by a second translator instance (i.e., [Babaian], column 3, lines 14-25)".

This interpretation of Babaian is not supported by the disclosure of Babaian. Babaian does not teach or suggest first and second translator instances. Instead, Babaian provides only one translator instance – namely the translating processes 202-204 in the software layer 206 as shown in Figure 2. This one translator instance creates the translated code and stores the translated code into a code database 208. Then, later, the same translator instance retrieves the previously translated code from the code database 208 for execution by the host computer 102 instead of performing another translation of the same sequence of foreign code. Here, we direct the Examiner particularly to column 7, lines 40-67 of Babaian, as well as column 3, lines 14-15 referenced in the Office Action.

Therefore, we respectfully repeat the arguments set forth in the Applicant's response of October 22, 2007, supplemented as set forth above. Babaian teaches simply a "local cache" which stores code translations produced by the one translator instance which are later re-used by the same translator instance. Babaian does not disclose "providing a first translator instance...and providing a second translator instance..." as recited in the independent claims 1, 17, 33 & 49. Babaian contains no teaching that the translated code which is cached by a first translator instance is instead retrieved by a second translator instance as in the present application.

In summary, the independent claims are allowable not least because Babaian fails to disclose all of the features recited in the independent claims 1, 17, 33 & 49, including particularly providing a first translator instance and providing a second translator instance, where the first translator instance translates subject code into target code and adds the target code to a cache, and the second translator instance retrieves the cached portion of target code from the cache upon compatibility detection between the cached portion of the target code and a second subject code portion, as in the present invention.

The dependent claims are allowable by virtue of their dependency on the allowable main claims. Further, the Applicant respectfully disagrees with the Examiner's analysis of the dependent claims, for the reasons discussed in the Applicant's response of 22 October 2007.

At paragraphs 9-12, the Examiner rejects certain dependent claims under 35 U.S.C. 103(a). In light of the remarks above regarding Babaian and the independent base claims from which those dependent claims depend, the dependent claims rejected under 35 U.S.C. 103(a) should be allowable. The additional references cited in the 35 U.S.C. 103(a) rejections do not supply that which is missing from Babaian, i.e., do not teach or suggest first and second translation instances.

In view of the above amendment, applicant believes the pending application is in condition for allowance. If the Examiner does not agree with the Applicant's reasoning set forth above and in the response to the previous Office Action, the Applicant requests that the Examiner contact the undersigned to arrange a telephonic Examiner Interview.

Filed herewith is a Request and fee for a Three-Month Extension of Time, which extends the statutory period for response to expire on July 9, 2008. Accordingly, Applicant respectfully submits that this response is being timely filed. Applicant believes no other fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 1801270.00140US1 from which the undersigned is authorized to draw.

Respectfully submitted,

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Attachments